

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

JASON ALFORD *et al.*,

Plaintiffs,

v.

THE NFL PLAYER DISABILITY &
SURVIVOR BENEFIT PLAN *et al.*,

Defendants.

Case No. 1:23-cv-00358-JRR

**DEFENDANTS' JOINT CONSENT MOTION FOR EXTENSION OF TIME TO
ANSWER PLAINTIFFS' AMENDED CLASS ACTION COMPLAINT**

Pursuant to Local Rule 105.9, Defendants jointly request that the Court extend the deadline to answer Plaintiffs' Amended Class Action Complaint (ECF No. 59) by an additional 30 days to May 3, 2024. Plaintiffs consent to Defendants' request. In support thereof, Defendants state as follows:

1. On March 20, 2024, the Court granted in part and denied in part Defendants' Joint Rule 12(b)(6) Motion to Dismiss Plaintiffs' Amended Class Action Complaint (ECF No. 69). ECF No. 79. The Court granted the motion as to Counts I, II, III, IV, and V against the Trustees (Defendants Larry Ferazani, Jacob Frank, Belinda Lerner, Sam McCullum, Robert Smith, and Hoby Brenner) and the Commissioner (Defendant Roger Goodell), and as to Count IV against all Defendants. *Id.* The Court denied the motion in other respects. *Id.*

2. Federal Rule of Civil Procedure 12(b)(4)(A) provides, as relevant here, that if the Court denies a motion made under Rule 12, "the responsive pleading must be served within 14 days after notice of the [C]ourt's action." Accordingly, Defendants' answer to the Amended Complaint is due by April 3, 2024.

3. In order to adequately respond to the allegations in the Amended Complaint, Defendants request an additional 30 days, which would make Defendants' answer due by May 3, 2024.

4. The relief Defendants seek will not prejudice any party or cause undue waste or delay. Rather, Plaintiffs consent to Defendants' request, which Defendants make in good faith to adequately respond to Plaintiffs' allegations as efficiently as possible.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that the Court enter an order extending Defendants' deadline to answer the Amended Complaint by an additional 30 days to May 3, 2024.

Date: March 27, 2024

/s/ Gregory F. Jacob

Gregory F. Jacob (D. Md. Bar No. 06769)
Meredith N. Garagiola (*pro hac vice*)
O'MELVENY & MYERS LLP
1625 Eye Street, N.W., 10th Floor
Washington, DC 20006
Telephone: (202) 383-5300
Facsimile: (202) 383-5414
Email: gjacob@omm.com
Email: mgaragiola@omm.com

Elizabeth L. McKeen (*pro hac vice*)
O'MELVENY & MYERS LLP
610 Newport Center Drive, 17th Floor
Newport Beach, CA 92660
Telephone: (949) 823-6900
Facsimile: (949) 823-6994
Email: emckeen@omm.com

*Attorneys for Defendants The NFL Player
Disability & Survivor Benefit Plan, The
NFL Player Disability & Neurocognitive
Benefit Plan, The Bert Bell/Pete Rozelle
NFL Player Retirement Plan, and The
Disability Board of the NFL Player
Disability & Neurocognitive Benefit Plan*

Respectfully submitted,

/s/ Stacey R. Eisenstein

Stacey R. Eisenstein (D. Md. Bar No. 30616)
Nathan J. Oleson (D. Md. Bar No. 16678)
Amanda S. McGinn (*pro hac vice*)
AKIN GUMP STRAUSS HAUER & FELD
LLP
2001 K Street, N.W.
Washington, DC 20006
Telephone: (202) 887-4000
Facsimile: (202) 887-4288
Email: seisenstein@akingump.com
Email: noleson@akingump.com
Email: amcginn@akingump.com

/s/ Eric Field

Eric Field (*pro hac vice*)
LITTLER MENDELSON P.C.
815 Connecticut Avenue, N.W., Suite 400
Washington, DC 20006
Telephone: (202) 842-3400
Facsimile: (202) 842-0011
Email: efield@littler.com

*Attorneys for Defendants Larry Ferazani,
Belinda Lerner, Jacob Frank, and Roger
Goodell*

/s/ Matthew M. Saxon

Matthew M. Saxon (D. Md. Bar No. 19604)
William G. Miossi (*pro hac vice*)
John Harding (*pro hac vice*)
Spencer Churchill (*pro hac vice*)
WINSTON & STRAWN LLP
1901 L Street, N.W.
Washington, DC 20036
Telephone: (202) 282-5000
Facsimile: (202) 282-5100
Email: msaxon@winston.com
Email: wmiossi@winston.com
Email: jwharding@winston.com
Email: schurchill@winston.com

*Attorneys for Defendants Sam McCullum,
Robert Smith, and Hoby Brenner*

CERTIFICATE OF SERVICE

I, Gregory F. Jacob, hereby certify that on March 27, 2024, I caused a copy of the foregoing document to be served upon all counsel of record via the CM/ECF system for the United States District Court for the District of Maryland.

/s/ Gregory F. Jacob

Gregory F. Jacob